

mJ-17-529

ALB:LTG

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.

★ JUN 09 2017 ★

LONG ISLAND OFFICE

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UNITED STATES OF AMERICA

COMPLAINT

- against -

M. No. \_\_\_\_\_  
(18 U.S.C. § 2252(a)(1))

BRIAN J. NEWTON,

Defendant.

**NJ 17-529** - *ACT*

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EASTERN DISTRICT OF NEW YORK, SS.:

Cindy Wolff, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about January 4, 2017, within the Eastern District of New York and elsewhere, the defendant BRIAN J. NEWTON, did knowingly and intentionally transport and ship, using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, one or more visual depictions of minors engaged in sexually explicit conduct, the production of such visual depictions having involved the use of minors engaging in sexually explicit conduct, and such visual depictions were of such conduct.

(Title 18, United States Code, Section 2252(a)(1)).

The source of my information and the grounds for my belief are as follows:<sup>1</sup>

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<sup>1</sup> Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

1. I have been employed as a Special Agent of the FBI since October 2005, and am currently assigned to the Long Island Child Exploitation Task Force. While employed by the FBI, I have investigated federal criminal violations related to high technology or cyber-crime, child exploitation, and child pornography. I have gained experience through training and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I am also a member of the Eastern District New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

#### The Background

3. On September 18, 2014, BRIAN J. NEWTON, who resides at a residence in East Northport, New York, was convicted of one count of possessing a sexual performance by a child less than 16 years' old. As a result of this conviction, NEWTON was required to register as a sex offender. NEWTON is currently registered at the East Northport address as a Level 2 Registered Sex Offender.

#### The Investigation

4. In or about December 2016, a Cyber Tip line report was received by law enforcement concerning an upload of child pornography to the PhotoDNA Cloud Service on

behalf of the Chatstep.com file sharing automated reporting system. Chatstep.com reported child pornography being uploaded to Chatstep.com, an online storage service on November 19, 2016, by screen/user name BJN Room:BJN Port:46190; IP address 100.38.235.115 (TIP # 1). I have reviewed the file which was uploaded. It is a still image showing three prepubescent females bent over on a couch with their legs spread larger than shoulder width apart displaying their anus and vaginal areas.

5. Subsequently, additional Cyber Tip Line reports were also received from additional online photo and video storage/sharing sites. The site Sendvid.com reported that January 4, 2017, a user uploaded three files to Sendvid.com from IP address 100.38.235.115. Descriptions of the files are as follows:

a. File # 1 was a video of approximately 14 minutes in length depicting a prepubescent nude female, approximately 8-10 years old, bound and blind-folded on a bed performing oral sex on an adult male, while an adult hand rubs her exposed vagina. At one point in the video, a computer is observed displaying pornography. Toward the end of the video, the young girl is observed performing oral sex on a male dog.

b. File # 2 was a video of approximately 2 minutes in length, depicting a prepubescent female naked from the waist down, approximately 3-5 years old, rubbing her exposed vagina with an adult sex toy.

c. File # 3 was a duplicate of File # 1.

6. The third Cyber Tip Line report received from Skype, an online video/photo sharing and chat site disclosed that on January 11, 2017, a user uploaded three files containing child pornography to Skype from IP Address 100.38.235.115. Descriptions of the files are as follows:

a. File # 1 was an image depicting a nude, prepubescent female, approximately 2-5 years old, on a bed being penetrated from behind by the penis of an adult male.



b. File # 2 was an image depicting a nude, prepubescent female, approximately 4-10 years old, on her hands and knees on a bed exposing her vagina and anus. Also on the bed is an adult female who is partially clothed and in a similar position.

c. File # 3 was an image depicting a nude, prepubescent male, approximately 2-4 years old, with his hand inside of the vagina of an adult female. Each file-sharing website records the IP addresses of the files which are uploaded.

7. Records obtained from Verizon by administrative subpoena showed that the IP address 100.38.235.115, from 10/28/2016 until at least 3/21/2017, originated from the residence of defendant BRIAN J. NEWTON in East Northport.

#### The Search Warrant

9. On June 8, 2017, I and other law enforcement personnel executed a search warrant authorized by the Honorable A. Kathleen Tomlinson (MJ 17-520) at the residence of defendant BRIAN J. NEWTON in East Northport.

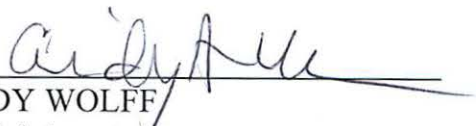
10. During the search, defendant BRIAN J. NEWTON was present and spoke with law enforcement personnel following a waiver of his Miranda rights. In sum and substance and in relevant part, NEWTON admitted that he started trading child pornography approximately one year after getting out of jail; that he uses sites like Usee, Chatstep, Sendvid, and Dropbox; when he looks for child pornography, he looks for everything and anything, all ages and types; his collection includes child sex acts, bondage, and bestiality; he estimates that he currently has 1000 images and videos containing child pornography; he identified the images uploaded above and admitted that he had uploaded them to share them with others; and he masturbated to the child pornography images.

11. A preliminary search of a smart phone in the residence of defendant


BRIAN J. NEWTON revealed numerous images and videos of prepubescent children engaged in sexually explicit activities.

12. Later on June 8, 2017, agents returned to arrest the defendant BRIAN J. NEWTON, at which time he again spoke with law enforcement personnel following a waiver of his Miranda rights. During this conversation, NEWTON asked if agents had returned because of the kids he was talking to online. He further admitted in sum and substance and relevant part that he had been talking to multiple individuals who claimed to be minors and that he attempted and did get pictures from some of these minors and he sent them pictures of his genitals, but he only sent pictures if they sent to him first. NEWTON estimated he had sexual chats with about two dozen boys and girls, the youngest of whom was seven or eight years' old.

WHEREFORE, I respectfully request that the defendant BRIAN J. NEWTON be dealt with according to law.

  
CINDY WOLFF  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
9th day of June, 2017

  
THE HONORABLE LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK